IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 830 of 1992

Date of Decision :- July 13, 2007

Hem Raj ....PETITIONER

VERSUS

State of Haryana ....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MEHTAB S.GILL

Present:- Mr. S.D.Bansal, Advocate
for the petitioner.

Mr. K.S.Godara, Deputy Advocate General, Haryana.

MEHTAB S.GILL, J.

This is a revision against the judgment dated 7.12.1992 of the learned Sessions Judge, Ambala, dismissing the appeal of the petitioner against judgment dated 30.5.1992 of the Judicial Magistrate 1st Class, Ambala City, convicting Hem Raj son of Gianu under Sections 279/304-A IPC and sentencing him to undergo R.I. for three months.

The case of the prosecution is that on 26.2.1987 at 3.30 p.m., the petitioner was driving truck No.HPA-9145 in a rash and negligent manner caused the death of Sonu, a female child of eight years.

The prosecution to prove its case brought into the witness box Des Raj PW1, Shanti Karan PW2, Jagat Singh PW3, Raghbir Singh PW4, Dr. R.N.Arora PW5, Balak Ram PW6, Bkashi Kumar Gupta PW7 and Sher Chand PW8.

I have heard the learned counsel for the parties, perused the impugned judgments and the record with their assistance.

Shanti Karan PW2, an eye witness to the occurrence, he has fully supported the case of the prosecution. Both Shanti Karan PW2 and Sonu deceased were standing at Dhumla bus stand on Shivratri day. The truck driven by the petitioner hit Sonu. The truck was driven at a high speed, as per this witness. Both Shanti Karan PW2 and Sonu were standing on the kutcha path (mud side) of the road. Similarly, Des Raj PW1, the other witness, has also supported the case of the prosecution. The medical report Ex.PW5/A corroborates the ocular account.

I do not find any infirmity in the judgment of the learned Sessions Judge, Ambala.

Occurrence took place on 26.2.1987. Appeal in the Sessions Court was filed on 9.6.1992 and the revision was filed in this Court in the same year i.e. 1992. The sword of conviction has been hanging over the head of the petitioner for the last 20 years. This itself is a punishment.

Conviction of the petitioner is maintained and sentence is reduced to already undergone.

With the above modification in sentence, revision petition is dismissed.

July 13, 2007 **(MEHTAB S.GILL)**
ska **JUDGE**

WHETHER TO BE REFERRED TO REPORTER? YES/NO